



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/163,844 09/30/98 HOFMEISTER

C 390,008T05-U
EXAMINER

PERMAN & GREEN
425 POST ROAD
FAIRFIELD CT 06430

PM82/0620

ART UNIT PAPER NUMBER
UNDERWOOD, D 13

DATE MAILED:

06/20/01

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 04/05/01

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-29 is/are pending in the application.
Of the above, claim(s) none is/are withdrawn from consideration.
☒ Claim(s) 6, 7, 19-23 is/are allowed.
☒ Claim(s) 1-5, 8-16, 26, 28, 29 is/are rejected.
☒ Claim(s) 17, 18, 24, 25, 27 is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 3652

Detailed Action

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 5 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fukasawa et al.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukawasa et al. *in view of Bacchi or Sawada*

It would have been an obvious substitution of equivalents to substitute an arm utilizing two drives as taught by Bacchi or Sawada for the arm in Fukasawa. This rejection assumes only two arm sections.

5. Claims 8-16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacchi et al in view of Ohata et al or vice versa.

Bacchi discloses the claimed arm.

Ohta discloses arranging cassettes side by side in an arc.

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Art Unit: 3652

Accordingly, it would have been obvious to provide a supply as claimed for Bacchi's arm in view of the teaching in Ohta or to substitute an arm as claimed in Ohta in view of the teaching in Bacchi.

6. Claims 6, 7 and 19-23 are allowed.

7. Claims 17, 18, 24, 25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's position regarding Fukasawa as it relates to claim 5 has been carefully considered but is not deemed persuasive. The claim appears to require straight line movement of the end effector to and from the holding area. The reference teaches this movement.

9. Applicants' comments regarding the rejection using Fukasawa and Carlisle are moot since the amendments to claims 1 and 29 give rise to the use of Fukasawa in view of Bacchi et al.

10. Applicant's comments regarding Bacchi and Ohta have been carefully considered but are not deemed persuasive. The holding areas in Ohta are side by side and the arm in Bacchi if used would move the end effector along a different line for each holding area.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3652

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Application/Control Number: 09/163,844

Page 5

Art Unit: 3652

Any inquiry concerning this communication should be directed to Examiner D.

Underwood at telephone number (703) 308-1113.

Underwood/ph

June 18, 2001

Donald W. Underwood 06/19/01
DONALD W. UNDERWOOD
PRIMARY EXAMINER